

Docket No.: 58532-012

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Arthur L. HERBST, et al. :
Serial No.: 09/884,466 : Group Art Unit: 1633
Filed: June 20, 2001 : Examiner:

For: COX-2 INHIBITORS AND THE PREVENTION OF THE SIDE EFFECTS OF
RADIATION THERAPY

**RESPONSE TO NOTICE
OF MISSING PARTS OF APPLICATION**

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Notice of Missing Parts of Application dated August 14, 2001,
submitted herewith are the following documents for filing in the above-referenced application:

1. Declaration and Power of Attorney (which is in compliance with 37 CFR 1.63)
2. Statutory Basic filing fee of \$710.00
3. Late Filing Fee Surcharge of \$130.00
4. Request For Corrected Filing Receipt



PATENT TRADEMARK OFFICE

09/884,466

Please charge Deposit Account No. 500417 in the amount of \$840.00. Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account 500417 and please credit any excess fees to such deposit account.

It is requested that the official filing receipt now be issued.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

Robert L. Price
Robert L. Price
Registration No. 22,685

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 RLP:ykg
Date: October 11, 2001
Facsimile: (202) 756-8087



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/884,466	06/26/2001	Arthur L. Herbst	58532-012

20277
MCDERMOTT WILL & EMERY
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096



CONFIRMATION NO. 9630
FORMALITIES LETTER



OC000000006420051

REC'D BY MAIL

OCT 16 2001

MAIL ROOM

Date Mailed: 08/14/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 840.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

CK
 098844666
 10/16/2001 SSESHE1 00000039 500417
 01 FC:101 740.00 CH
 02 FC:105 130.00 CH

Docket No.: 58532-012



Receipt
SFT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Arthur L. HERBST, et al. :
Serial No.: 09/884,466 : Group Art Unit: 1633
Filed: June 20, 2001 : Examiner:
For: COX-2 INHIBITORS AND THE PREVENTION OF THE SIDE EFFECTS OF
RADIATION THERAPY

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents
Washington, DC 20231

Sir:

Attached is a copy of the Filing Receipt received from the U.S. Patent and Trademark Office in the above-referenced application. It is noted that the Residence of the Inventors is incorrect on the Filing Receipt. Attached is a copy of the Combined Declaration/Power of Attorney being filed concurrently herewith, which evidences that the Residence of the Inventors should read: CHICAGO, ILLINOIS. It is requested that a corrected Filing Receipt be issued.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

Robert L. Price
Registration No. 22,685

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 RLP:ykg
Date: October 11, 2001
Facsimile: (202) 756-8087

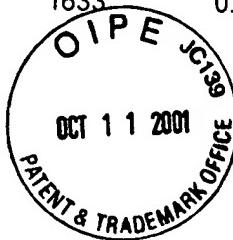


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 WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/884,466	06/20/2001	1633	0.00	58532-012	2 ✓	9 ✓	1 ✓

20277
 MCDERMOTT WILL & EMERY
 600 13TH STREET, N.W.
 WASHINGTON, DC 20005-3096



CONFIRMATION NO. 9630
FILING RECEIPT

OC00000006420050

Date Mailed: 08/14/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

CHICAGO, ILLINOIS

Arthur L. Herbst, Residence Not Provided;
 Ralph Weichselbaum, Residence Not Provided;

CHICAGO, ILLINOIS

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/212,685 06/20/2000

Foreign Applications

If Required, Foreign Filing License Granted 08/13/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

COX-2 inhibitors and the prevention of the side effects of radiation therapy

Preliminary Class

435

Data entry by : CHANTRACHUCK, CHOMKEO Team : OIPE

Date: 08/14/2001

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related application(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231